

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Marquise Deronante Simmons, #12904,)	
)	
Plaintiff,)	
)	Civil Action No. 4:23-cv-4483-BHH
v.)	
)	
Major Tony Phyll, Captain Boyd, and)	
Director Demry,)	
)	
Defendants.)	
)	

This matter is before the Court upon Plaintiff Marquise Deronante Simmons' ("Plaintiff") pro se complaint against the above-named Defendants. The matter was referred to a United States Magistrate Judge for preliminary review, in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d), D.S.C.

On September 14, 2023, Magistrate Judge Thomas E. Rogers issued an order instructing Plaintiff to bring the case into proper form, and Plaintiff filed an amended complaint on September 27, 2023. (ECF Nos. 7 and 10.) After reviewing the amended complaint, the Magistrate Judge issued a report and recommendation ("Report") on October 19, 2023, outlining the issues and recommending that the Court dismiss Plaintiff's claims under § 1983 with prejudice and dismiss Plaintiff's state law claims without prejudice, under § 1915(e) and § 1915A, and that the Court dismiss the action without leave to further amend and without issuance and service of process. Attached to the Magistrate Judge's Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections have been filed, the Court has reviewed the record, the applicable law, and the findings of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s analysis. Accordingly, the Court hereby adopts and specifically incorporates the Magistrate Judge’s Report (ECF No. 15), and the Court dismisses Plaintiff’s claims under § 1983 with prejudice; dismisses Plaintiff’s state law claims without prejudice; and dismisses this action without further leave to amend and without issuance and service of process.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

November 8, 2023
Charleston, South Carolina